



City of Nedlands

Minutes

Council Committee Meeting

9 July 2019

ATTENTION

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 9 July 2019 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	Deputy Mayor W R B Hassell	(Presiding Member)
	Councillor I S Argyle	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon (until 9.08 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Ms M Hulls	Acting Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 3 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) His Worship the Mayor, R M C Hipkins

Apologies Councillor C M de Lacy Hollywood Ward

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. Public Question Time

Nil.

2. Addresses By Members of the Public (only for items listed on the agenda)

Mr Robin Hill, 16 Kurren Court, Mt Claremont PD23.19
(spoke in opposition to the recommendation)

Mr David Read, Element, Level 18, 191 St Georges Terrace, Perth PD27.19
(spoke in support of the recommendation)

3. Disclosures of Financial Interest

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

4.1 Councillor Mangano – PD23.19 - 120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799

Councillor Mangano disclosed an impartiality interest in Item PD23.19 - 120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799. Councillor Mangano disclosed that Western Power is one of his clients, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

5. Declarations by Members That They Have Not Given Due Consideration to Papers

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 11 June 2019

Moved – Councillor Hay
Seconded – Councillor Hodsdon

The Minutes of the Council Committee held 11 June 2019 be confirmed.

CARRIED UNANIMOUSLY 11/-

7. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Nil.

8. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning & Development Report No's PD23.19 to PD28.19

Planning & Development Report No's PD23.19 to PD28.19 to be dealt with at this point (copy attached yellow cover sheet).

PD23.19	120 Montgomery Avenue Mt Claremont – Proposed Land Exchange for Crown Reserve Land at Reserve 43799
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Committee	9 July 2019
Council	23 July 2019
Applicant	Western Power Corporation
Landowner	Western Power Corporation
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	13 December 2016 (Special Council Meeting)
Delegation	Council is required to consider this land holding matter as Management Body of Crown Reserve Land.
Attachments	1. Letter dated 24 May 2018 from Western Power proposing land boundary rationalisation

Councillor Mangano – Impartiality Interest

Councillor Mangano disclosed that Western Power is one of his clients, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Mr Robin Hill, 16 Kurren Court, Mt Claremont
(spoke in opposition to the recommendation)

PD23.19

Moved – Councillor Argyle
Seconded – Councillor Smyth

That Mr Hill be granted an extension of 2 minutes to conclude his address.

**CARRIED 8/3
(Against: Crs. Wetherall James & Shaw)**

Moved – Councillor Shaw
Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

Lost 6/4
(Against: Crs. Argyle Mangano Hodsdon Horley McManus & Smyth)
(Abstained: Cr. Hay)

Regulation 11(da) – Council determined the proposal be refused due to its impact on the general amenity, open space and traffic.

Moved – Councillor Horley
Seconded – Councillor Smyth

Committee Recommendation

Council:

- 1. Does not endorse the proposed land exchange at Montgomery Avenue, Mt Claremont;**
- 2. Retains Lot 12035; and**
- 3. Negotiates with Western Power to return Lot 2000 on plan 17425 to the City of Nedlands to create a Class C Reserve with purpose of public recreation.**

**CARRIED 6/4
(Against: Crs. Argyle Wetherall James & Shaw)
(Abstained: Deputy Mayor Hassell)**

Recommendation to Committee

Council endorses the proposed land exchange at Montgomery Avenue, Mt Claremont, subject to the following condition:

- 1. That all costs associated with this transaction be borne solely by the applicant being Western Power.**

PD24.19	City of Nedlands Design Excellence Awards – Judging Criteria and Rebranding
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Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development Services
Reference	Nil.
Previous Item	PD45.17 – October 2017 PD64.18 – November 2018
Attachments	1. City of Nedlands Design Excellence Awards - Judging Criteria and Conditions of Entry 2. Former Civic Design Awards – Judging Criteria and Conditions of Entry

Councillor McManus left the room at 8.01 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
Seconded – Councillor Hay

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

CARRIED 8/2
(Against: Crs. Mangano & James)

Committee Recommendation / Recommendation to Committee

Council endorses:

- 1. the rebranding and renaming of the City of Nedlands Civic Design Awards to be the City of Nedlands Design Excellence Awards; and**
- 2. the revised judging criteria and conditions of entry as shown in Attachment 1.**

PD25.19	Local Planning Scheme 3 – Local Planning Policy Child Care Premises
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Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Child Care Premises LPP 2. Draft Child Care Premises LPP – tracked changes

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay
Seconded – Councillor Shaw

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

Councillor McManus returned to the room at 8.02 pm.

CARRIED 10/-
(Abstained: Cr. McManus)

Committee Recommendation / Recommendation to Committee

Council resolves to proceed to adopt the Child Care Premises Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

PD26.19	Local Planning Scheme 3 – Local Planning Policy Parking
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Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Parking LPP 2. Draft Parking LPP – tracked changes

Moved – Councillor Wetherall
Seconded – Councillor Shaw

That the Recommendation to Committee be adopted and Council reconsider this item again in 3 months' time.

Councillor Hay left the room at 8.06 pm and returned at 8.07 pm.

Councillor Shaw left the room at 8.15 pm and returned at 8.18 pm.

Lost 4/7
(Against: Deputy Mayor Hassell Crs. Argyle Mangano Hay
James Horley & Smyth)

Regulation 11(da) – Council determined that the proposed policy did not provide enough parking for land uses in Nedlands.

Moved – Deputy Mayor Hassell
Seconded – Councillor Mangano

Committee Recommendation

Requests the CEO to prepare a parking policy based on the present criteria and parking demand, for the July Council Meeting.

**CARRIED 9/2
(Against: Crs. Wetherall & Shaw)**

Recommendation to Committee

Council proceeds to adopt the Parking Local Planning Policy, with modifications set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.; and refers the Parking Local Planning Policy to the Western Australian Planning Commission for final approval in line with State Planning Policy SPP7.3, *Residential Design Codes Volume 2 – Apartments 2019* clause 1.2.3 and the City's *Local Planning Scheme No 3* clause 32.4(5).

PD27.19	Local Planning Scheme 3 – Local Planning Policy Residential Development
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Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	1. Draft Residential Development LPP 2. Draft Residential Development LPP – tracked changes

Mr David Read, Element, Level 18, 191 St Georges Terrace, Perth PD27.19
(spoke in support of the recommendation)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor Shaw

Committee Recommendation

Council resolves to adopt the Residential Development Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

Councillor James left the room at 8.33 pm and returned at 8.36 pm.

**CARRIED 8/3
(Against: Crs. Argyle Mangano & Smyth)**

Recommendation to Committee

Council proceeds with the draft Residential Development Local Planning Policy, with modifications as set out in Attachment 1, and re-advertise for a period of 21 days.

PD28.19	Local Planning Scheme 3 – Local Planning Policies for Heritage, SAT process and procedures, Refunding and Waiving fees, Planning Compliance and Signs.
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Committee	9 July 2019
Council	23 July 2019
Director	Peter Mickleson – Director Planning & Development
Reference	Nil.
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting
Attachments	<ol style="list-style-type: none"> 1. Draft Heritage LPP 2. Draft State Administrative Tribunal – Process and Procedures LPP 3. Draft Refunding / Waiving Fees LPP 4. Draft Planning Compliance LPP 5. Draft Signs LPP

Regulation 11(da) – Not Applicable minor change only.

Moved – Councillor Shaw

Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Amendment

Moved – Councillor Horley

Seconded – Councillor James

That 2. State Administrative Tribunal – Process and Procedures be amended at item 4.11 (a) with the addition of the words ‘to remain consistent with Council Resolution’.

Councillor Mangano left the room at 8.56 pm and returned at 8.57 pm.

The AMENDMENT was PUT and was

**CARRIED 8/3
(Against: Crs. Argyle Wetherall & Shaw)**

Councillor Hodsdon retired from the meeting at 9.08 pm.

The Substantive Motion was PUT and was

CARRIED UNANIMOUSLY 10/-

Committee Recommendation

Council:

- 1. adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:**
 - 1. Heritage**
 - 2. Refunding/ Waiving Fees**
 - 3. Planning Compliance**
 - 4. Signs**

- 2. adopts the State Administrative Tribunal – Process and Procedures policy, with the following modifications, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:**
 - a. at item 4.11 (a) add the words ‘to remain consistent with the Council Resolution:’ after the word ‘solution’.**

Recommendation to Committee

Council adopts the policies listed below, without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4:

1. Heritage
2. State Administrative Tribunal – Process and Procedures
3. Refunding/ Waiving Fees
4. Planning Compliance
5. Signs

8.2 Technical Services Report No's TS14.19 to TS15.19

Technical Services Report No's TS14.19 to TS15.19 to be dealt with at this point (copy attached blue cover sheet).

TS14.19	Boundary Roads Agreement – Town of Claremont
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Committee	9 July 2019
Council	23 July 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Maria Hulls – Acting Director Technical Services
Attachments	1. Draft Boundary Roads Agreement – City of Nedlands and Town of Claremont

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
 Seconded – Councillor Hay

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Amendment

Moved - Councillor Smyth
 Seconded - Councillor McManus

2. requests the CEO to take action to develop a precinct approach to for Alfred Road being one of the boundaries between the City of Nedlands and the Town of Claremont.

The Presiding Member ruled the amendment out of order as it is unrelated to the motion.

The Original Motion was PUT and was

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

That Council authorise the Mayor and Chief Executive Officer to sign the Memorandum of Understanding for the Boundary Road Agreement between the City of Nedlands and the Town of Claremont as detailed in Attachment 1 of this report.

TS15.19	Quintilian Road – Safe Active Street Investigation Results
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Committee	9 July 2019
Council	23 July 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Maria Hulls – Acting Director Technical Services
Attachments	1. Cross section of Options

Moved – Councillor Wetherall
 Seconded – Councillor Hay

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Councillor McManus left the room at 9.38 pm and returned at 9.40 pm.

Lost 5/4
 (Against: Deputy Mayor Hassell Crs. James Horley McManus & Smyth)
 (Abstained: Cr. Mangano)

Recommendation to Committee

Council supports the development of a shared path on the northern verge of Quintilian Road incorporating parallel parking bays along the northern verge and narrowing of the existing roadway to 6 metres.

8.3 Corporate & Strategy Report No's CPS10.19 to CPS11.19

Report No's CPS10.19 to CPS11.19 to be dealt with at this point (copy attached green cover sheet).

CPS10.19 List of Accounts Paid – May 2019	
Committee	9 July 2019
Council	23 July 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing May 2019 2. Purchasing Card Payments May 2019 (29 th April 2019 – 28 th May 2019)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Mangano

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

Councillor Horley left the room at 10.03 pm and returned at 10.05 pm.

CARRIED 9/1
(Against: Cr. James)

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of May 2019 (refer to attachments).

CPS11.19	Senior Support Service Opportunities Review
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Committee	9 July 2019
Council	23 July 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Senior Support Service Opportunities – Administration Presentation

Moved – Councillor Shaw
 Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Procedural Motion
 Moved – Councillor Wetherall
 Seconded – Councillor Shaw

That the Committee move to the next item of business.

CARRIED 7/3
(Against: Crs. Hay Horley & Smyth)

Recommendation to Committee

Council:

1. supports the City’s Community Service Centre’s staff to review, research and identify gaps and opportunities for the delivery of future services to all seniors in the City of Nedlands, based on 2019 CPS Report CPS11.19 Attachment 1, Senior Support Service Opportunities – Administration Presentation; and
2. requests an update at a Council Briefing session in March 2020 on the progress of the Seniors Support Service review conducted by staff.

9. Reports by the Chief Executive Officer

Nil.

10. Urgent Business Approved By the Presiding Member or By Decision

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.35 pm.